

**BINDURA UNIVERSITY OF SCIENCE EDUCATION  
FACULTY OF COMMERCE**

**DEPARTMENT OF INTELLIGENCE AND SECURITY STUDIES**

**BACHELOR OF BUSINESS ADMINISTRATION (HONOURS) IN POLICE AND  
SECURITY STUDIES**

**PS 308: CRIMINAL PROCEDURE**

**Duration: 3 hours (100 marks)**

*NOV 2023*

**INSTRUCTIONS TO CANDIDATES**

1. Answer **question 1** and any other **3**.
2. Each question carries 25 marks.
3. Cell phones are not allowed into the examination room.
4. Begin each fresh answer on a new page.
5. Credit shall be given for referring to case law, statutes or any other authorities wherever possible.

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**Question 1 (compulsory)**

- a) Discuss the onus of proof on the prosecution in criminal trials, and how the prosecution can discharge the duty placed upon it. (10)
- b) In what circumstances should an application for a discharge be granted at the end of the state case. (10)
- c) In what circumstances would a Magistrate be persuaded to place an accused person on initial remand? (5)

**[Total Marks: 25]**

**Question 2**

Compare and contrast the procedure for the issuance and execution of a warrant of arrest with that of a search warrant. **[25 marks]**

**Question 3**

- a) What are the factors considered in separation of trials? (12)
- b) What is meant by the “confirming” of a Warned and Cautioned statement and what are the consequences or effects of this for an accused? (13)

**[Total Marks: 25]**

**Question 4**

- a) Discuss the effect of an unlawful arrest. (9)
- b) In what circumstances can a police officer arrest without a warrant? (4)
- c) What is the purpose of an arrest without a warrant? (4)
- d) Outline the factors which are taken into consideration by a court in amending a charge. (4)
- e) When is an amendment of charge not allowed? (4)

**[Total Marks: 25]**

**Question 5**

- a) Briefly outline the applicable criminal procedure in respect of:
  - i) Maximum periods of detention before initial remand in court (3)
  - ii) Maximum periods of remand in custody without the consent of an accused to a longer period (3)
- b) What is the effect of a withdrawal of a charge before plea? (4)
- c) What is the effect of a plea of guilty by an accused person? (5)
- d) Distinguish between an adversarial and an inquisitorial criminal justice judicial system (10)

**[Total Marks: 25]**

**\*\*ENDS\*\***